

IEPA Log No.: **C-0031-16**
CoE appl. #: **2011-00596**

Public Notice Beginning Date: **September 27, 2016**
Public Notice Ending Date: **October 18, 2016**

Section 401 of the Federal Water Pollution Control Act
Amendments of 1972

Section 401 Water Quality Certification to Discharge into Waters of the State

Public Notice/Fact Sheet Issued By:

Illinois Environmental Protection Agency
Bureau of Water
Division of Water Pollution Control
Permit Section
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

Name and Address of Discharger: McHenry County Division of Transportation, 16111 Nelson Road, Woodstock, IL 60098

Discharge Location: Section 25, T44N, R5E of the 3rd P.M. and Section 30, T44N, R6E of the 3rd P.M. in McHenry County near Marengo.

Name of Receiving Water: Kishwaukee River and Unnamed Wetlands.

Project Description: Deerpass Road over the Kishwaukee River and Kishwaukee River North Channel Bridge Replacement.

The Illinois Environmental Protection Agency (IEPA) has received an application for a Section 401 water quality certification to discharge into the waters of the state associated with a Section 404 permit application received by the U.S. Army Corps of Engineers. The Public Notice period will begin and end on the dates indicated in the heading of this Public Notice. The last day comments will be received will be on the Public Notice period ending date unless a commenter demonstrating the need for additional time requests an extension to this comment period and the request is granted by the IEPA. Interested persons are invited to submit written comments on the project to the IEPA at the above address. Commenters shall provide their names and addresses along with comments on the certification application. Commenters may include a request for public hearing. The certification and notice number(s) must appear on each comment page.

The attached Fact Sheet provides a description of the project and the antidegradation assessment.

The application, Public Notice/Fact Sheet, comments received, and other documents are available for inspection and may be copied at the IEPA at the address shown above between 9:30 a.m. and 3:30 p.m. Monday through Friday when scheduled by the interested person.

If written comments or requests indicate a significant degree of public interest in the certification application, the IEPA may, at its discretion, hold a public hearing. Public notice will be given 30 days before any public hearing. If a Section 401 water quality certification is issued, response to relevant comments will be provided at the time of the certification. For further information, please call Thaddeus Faught at 217/782-3362.

Fact Sheet for Antidegradation Assessment

McHenry County DOT – Kishwaukee River and Unnamed Wetlands – McHenry County

IEPA Log # C-0031-16

COE # LRC-2011-00596

Contact: Bob Mosher 217/558-2012

September 27, 2016

McHenry County Division of Transportation proposes to replace two Deerpass Road bridges over the Kishwaukee River and a side channel of the Kishwaukee River with a single 445 foot long five span bridge. The bridge and approaches will be widened from the existing 28 feet wide to 40 feet and the height of the bridge will increase by five feet. The existing bridges are structurally deficient and as such pose a safety hazard.

A total of 1.07 acres of permanent wetland impacts and 0.70 acres of temporary wetlands impacts will occur due to regrading and bridge placement. The temporary impacts will be mitigated on site after construction. Bridge piers will fill 101.5 square feet of open water in the Kishwaukee River. Due to the fact that the permanently filled wetlands are high quality, a 6:1 mitigation ratio will be utilized, resulting in the purchase of 6.42 acres of wetland credits.

Identification and Characterization of the Affected Water Body.

According to the draft 2016 Illinois Integrated Water Quality Report and Section 303(d) List, the Kishwaukee River (segment code PQ-07) has been assessed by Illinois EPA and is listed as not supporting fish consumption use. The causes given are mercury and PCBs. Aquatic Life and Aesthetic Quality uses are fully supported. This segment of the Kishwaukee River is not listed as biologically significant in the 2008 Illinois Department of Natural Resources Publication *Integrating Multiple Taxa in a Biological Stream Rating System*; however, it is given an integrity rating of “D” in that document. The Kishwaukee River at this location is designated as an enhanced water pursuant to the dissolved oxygen water quality standard.

The wetlands affected at this site are part of a continuous ADID wetland identified by McHenry County. The native FQI score for this wetland overall is 20.6 and the Native Mean C is 3.2 indicating a high quality wetland. A high mitigation ratio of 6:1 stems from this fact. The applicant intends to partner with the McHenry County Conservation District to restore wetlands in the county as mitigation for this and possibly other projects. The Maple Square School site in McHenry County (Glacial Park) is currently under consideration for work as mitigation for this project.

Identification of Proposed Pollutant Load Increases or Potential Impacts on Uses.

The pollutant load increases that would occur from this project include some possible increases in total suspended solids. These increases, a normal and unavoidable result of the construction of bridge piers and placement of fill, are not expected to impact designated uses. Best management practices (BMPs) will be used during construction. Wetlands filled will be mitigated by a 6:1 ratio. This results in 6.42 acres of mitigation. The restoration/enhancement of wetlands at the Maple Square School property of the McHenry County Conservation District will be the mitigation site. Chloride resulting from deicing is not expected to increase significantly as the bridge will remain two-lane.

Fate and Effect of Parameters Proposed for Increased Loading.

The increase in suspended solids will be local and temporary. Erosion control measures will be utilized to minimize any increase in these disturbances and prevent further impacts to the wetlands and river.

Purpose and Social & Economic Benefits of the Proposed Activity.

The existing bridges are deficient and have weight limits posted. The bridges must be replaced before a public safety problem develops. The local community will benefit from a safer bridge and the jobs that will be created for construction workers.

Assessments of Alternatives for Less Increase in Loading or Minimal Environmental Degradation.

Different bridge designs were considered. The single bridge, five span option chosen will result in less wetlands filled over the existing two bridge design. Five bridge spans is a design considered favorable over fewer spans as the bridge would have to be made higher with fewer spans and that would cause the abutments to become larger with a greater footprint in the river and wetlands.

Summary Comments of the Illinois Department of Natural Resources, Regional Planning Commissions, Zoning Boards or Other Entities

The Illinois Natural History Survey performed fish and mussel surveys in the Kishwaukee River at the bridge site in 2011. No state or federal endangered species were identified. Illinois DOT concluded that no endangered species or habitat supporting endangered species exists at the site and that consultation is therefore terminated according to the agreement between those agencies. The US Fish and Wildlife Service determined that a federally endangered bat was found near the site and that trees must not be cut down during the breeding season. The McHenry DOT has agreed to this provision.

Agency Conclusion.

This preliminary assessment was conducted pursuant to the Illinois Pollution Control Board regulation for Antidegradation found at 35 Ill. Adm. Code 302.105 (antidegradation standard) and was based on the information available to the Agency at the time this assessment was written. We tentatively find that the proposed activity will result in the attainment of water quality standards; that all technically and economically reasonable measures to avoid or minimize the extent of the proposed increase in pollutant loading have been incorporated into the proposed activity; and that this activity will benefit the community at large by providing a new bridge to replace an unsafe bridge and by providing construction jobs. Comments received during the 401 Water Quality Certification public notice period will be evaluated before a final decision is made by the Agency.